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PATENTREMARKS

Claims 1-35 are canceled and claims 37-54 are added herein. Claims 36-54 will be pending upon entry of the amendment.

The following remarks are responsive to the final Office action dated March 17, 2004.

Claim 37

New claim 37 is directed to a mechanical fastening system for an article wherein the mechanical fastening system comprises:

a stretchable loop fastener component mountable on the article and comprising a stretch bonded laminate, the stretch bonded laminate comprising an elastomeric substrate and a high bond point nonwoven loop material having greater than 225 bond points per square inch; and

a hook fastener component mountable on the article and adapted for releasable engagement with the loop fastener component;

wherein the stretchable loop fastener component is stretchable relative to the hook fastener component when the fastener components are engaged.

New claim 37 is submitted to patentable over the references of record, and in particular U.S. Patent No. 5,614,281 (Jackson et al.), in that whether considered alone or in combination the references fail to show or suggest a mechanical fastening system for an article wherein the fastening system includes a loop fastener component that is a stretch bonded laminate constructed of an elastomeric substrate and a high bond point nonwoven loop material having greater

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than 225 bond points per square inch secured to the elastomeric substrate.

As defined at page 8, line 27 of the present application, the stretch bonded laminate is formed by bonding the high bond point nonwoven loop material to the elastomeric substrate while the substrate is in an elongated condition. Upon relaxing the substrate, the loop material forms gathers. See, e.g., page 30, lines 22-29. At the bond points of a high bond point nonwoven loop material the fibers of the loop material are bonded together and are therefore unavailable for engagement by the hooks of the hook fastener component. Where the high bond point nonwoven loop material is secured to the elastomeric substrate while the substrate is stretched, gathers can be formed in the loop material without otherwise increasing the already bonded area of the loop material.

Jackson et al. disclose a "creped" nonwoven loop material (10) to be employed as the loop material of a hook and loop fastening system, such as used on disposable personal care absorbent articles. The laminate loop material (10) comprises a "creped" nonwoven layer (12) attached to a support layer (14). Jackson et al., col. 5, lines 43-46. Jackson et al. disclose at column 6, line 33 through column 8, line 14 that the nonwoven layer may comprise a spunbond layer having a bond point density between about 15.5 and 46.5 bond points per square centimeter and a bond area between 10 and 25 percent. To form the creped nonwoven loop material, the bond point nonwoven layer is further creped and secured to the substrate.

As is particularly described by Jackson et al. at column 9, lines 8-24, creping the nonwoven layer (12) forms raised areas (16) having a first, low fiber density and discrete non-raised areas (18) having a second, higher fiber density "due to

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compression or compaction of the fibers of the nonwoven layer in the non-raised areas. Thus, in addition to the bond points of the nonwoven layer being unavailable for engagement with the hooks, the creped nonwoven layer has additional non-raised areas that are further unavailable for engagement with the hooks.

Jackson et al. clearly fail to disclose or otherwise even suggest a stretch bonded laminate as recited in new claim 37. Specifically, Jackson et al. lack any disclosure of attaching the creped nonwoven layer to an elastomeric substrate while the substrate is in an elastically stretched condition. Moreover, there is no suggestion found anywhere in Jackson et al. for forming a stretch bonded laminate comprising the creped nonwoven layer. In fact, creping the nonwoven layer forms raised and non-raised areas (16, 18) whereby the raised areas are intended to receive the hooks. Consequently, gathering of the creped nonwoven layer is unnecessary and one skilled in the art would not be motivated by Jackson et al. or any of the other references of record to both crepe and gather the nonwoven layer of Jackson et al.

The final Office action takes the position with respect to previously presented (and now canceled) claim 35 that providing a stretch bonded laminate is an obvious modification of Jackson et al. because the type of elastic used does not solve any stated problem or produce any unexpected result and that the substrate would perform equally well with any type of elastic. However, the advantages of using a stretch bonded laminate over the creped nonwoven material disclosed by Jackson et al. relate not to the type of elastic used, but to the loop surface available for engagement with the hook fastener component. That is, the stretch bonded laminate recited in new claim 37

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maintains a greater surface area of the loop material available for engagement with the hook fastener component than does the creped loop material disclosed by Jackson et al. Thus, the problem of increasing the available surface area of the loop material for engagement with the hook fastener component is solved by the stretch bonded laminate recited in new claim 37.

Moreover, replacing the creped nonwoven loop material of Jackson et al. with the stretch bonded laminate recited in new claim 37 would impermissibly violate the express teachings of Jackson et al. Jackson et al. disclose using a creped nonwoven layer for the expressed purpose of providing the raised, low fiber density areas and the non-raised, high fiber density areas. Replacing the creped nonwoven layer with the stretch bonded laminate recited in new claim 37 would omit the non-raised, high fiber density areas taught by Jackson et al.

For these reasons, new claim 37 is submitted to be patentable over Jackson et al. and the other references of record.

Claim 36 and new claims 38-52 depend directly or indirectly from new claim 37 and are submitted to be patentable over the references of record for the same reasons as claim 37.

Claim 36

Claim 36 is amended herein to depend directly from new claim 37 and further recites that the stretchable loop fastening component can be elastically stretched about 100 percent in at least one direction. Jackson et al., alone or in combination with any of the other references, fail to disclose or suggest a stretchable loop fastening component that can be elongated by about 100 percent in at least one direction.

The final Office action takes the position that Jackson et

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al., through the incorporation of Giacobbe, discloses such a feature. However, in Table 2 (as relied upon in the final Office action) of Giacobbe, elongation of the film disclosed by Giacobbe is limited to 75 percent. Giacobbe lacks any disclosure of elastic stretching of the film more than 75 percent, and in particular 100 percent. Thus, a laminate formed from such a film cannot be elastically stretched more than the 75 percent disclosed by Giacobbe. Jackson et al. itself also lacks any disclosure that the creped laminate is elastically stretchable to 100 percent.

For these additional reasons, claim 36 is submitted to be patentable over the references of record.

Claim 53

New claim 53 is directed to a mechanical fastening system for an article wherein the mechanical fastening system comprises:

a stretchable loop fastener component mountable on the article and comprising an elastomeric substrate and a high bond point non-woven loop material having greater than 225 bond points per square inch secured to said substrate, said nonwoven loop material being substantially non-creped on the substrate; and

a hook fastener component mountable on the article and adapted for releasable engagement with the loop fastener component;

wherein the stretchable loop fastener component is stretchable relative to the hook fastener component when the fastener components are engaged.

Claim 53 is submitted to be patentable over the references of record, and in particular Jackson et al., in that whether

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considered alone or in combination the references fail to show or suggest all of the features of the mechanical fastening system recited in claim 53 including the recitation of the high bond point nonwoven loop material being substantially non-creped on the substrate.

As discussed previously in connection with claim 37, Jackson et al. disclose a creped nonwoven laminate loop material comprising a creped nonwoven layer (12) secured to a support layer (14). Jackson et al. fail to disclose that the nonwoven layer (12) may be anything other than creped. Thus, Jackson et al. clearly fail to show or even suggest a nonwoven loop material that is non-creped on a substrate.

Moreover, Jackson et al. specifically disclose the importance of creping the nonwoven layer as being the formation of raised, low density areas (16) and discrete non-raised, high density areas (18). Thus, modifying Jackson et al. to provide a high bond point nonwoven layer that is non-creped would do violence to the express teachings of Jackson et al.

For these reasons, new claim 53 is submitted to patentable over the references of record.

Claim 54

New claim 54 is directed to a mechanical fastening system for an article wherein the fastening system comprises:

a stretchable loop fastener component mountable on the article and comprising an elastomeric substrate and a high bond point non-woven loop material having greater than 225 bond points per square inch and secured to said substrate, the non-woven loop material being substantially free from discrete compression points other than at the bond points; and

a hook fastener component mountable on the article and

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adapted for releasable engagement with the loop fastener component;

wherein the stretchable loop fastener component is stretchable relative to the hook fastener component when the fastener components are engaged.

Claim 54 is submitted to be patentable over Jackson et al. and the other references of record in that whether considered alone or in combination the references fail to disclose or suggest all of the features of the mechanical fastening system recited in claim 54 including the recitation of the high bond point nonwoven loop material being substantially free from discrete compression points other than at the bond points.

As discussed previously, Jackson et al. disclose creping the point bonded nonwoven layer. In the creping process, the point bonded nonwoven layer is subjected to discrete compressions by the pattern roll (42) to form discrete non-raised (e.g., high density) areas (18). Thus, while it is known that point bonding of a nonwoven layer involves some compression at the bond points thereof, Jackson et al. disclose forming additional discrete points of increased compression. This has a tendency to destroy additional surface of the nonwoven layer such that the additional compression points are unavailable for engagement by the hook fastener component. In contrast, the high bond point nonwoven loop material recited in new claim 54 is free from such additional compression points.

Moreover, one skilled in the art would not be motivated to modify Jackson et al. to omit the additional points of increased compression because these points are associated with the creping of the nonwoven layer as specifically taught by Jackson et al. Jackson et al. do not contemplate otherwise.

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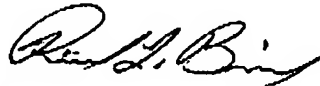
For these reasons, new claim 54 is submitted to be
patentable over the references of record.

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CONCLUSION

In view of the foregoing, favorable consideration and allowance of claims 36-54 is respectively requested.

Respectfully submitted,



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*Enclosures